

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**EUGENE BAIRD, RHINO  
PRODUCTS, INC.,**

**Plaintiffs,**

**v.**

**PPG INDUSTRIES, INC., et al.,**

**Defendants.**

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**Case No.: 2:15-cv-951-MHH**

**ORDER**

This matter is before the Court on the defendants' motions to dismiss plaintiffs Eugene Baird and Rhino Products, Inc.'s amended complaint. (Docs. 10, 19). On June 2, 2016, the Court held a hearing on the motions.<sup>1</sup>

Consistent with the discussion held on the record during the June 2, 2016 hearing, the Court **DISMISSES WITH PREJUDICE** the plaintiffs' Sherman Act and RICO claims (counts V, VI, VII, VIII, and IX).<sup>2</sup> The Court exercises its

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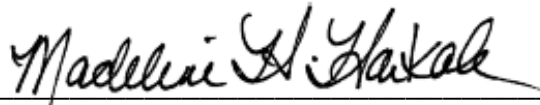
<sup>1</sup> A court reporter was present, and a copy of the transcript is available upon request.

<sup>2</sup> The plaintiffs concede that their state law antitrust claims (Counts I and IV) should be dismissed. (Doc. 22, p. 2).

discretion under 28 U.S.C. § 1367(c) and declines to exercise supplemental jurisdiction over the plaintiffs' remaining state law claims.<sup>3</sup>

The Court asks the Clerk to please close the file.

**DONE** and **ORDERED** this July 6, 2016.

  
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**MADELINE HUGHES HAIKALA**  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> The plaintiffs may refile their intentional interference with business relations and civil conspiracy claims in state court within 30 days of this order. *See* 28 U.S.C. § 1367(d).